REMARKS

Claims 1-13 are pending in this application. By this Amendment, claim 1 is amended for clarity, claims 2-9 are amended to conform to the amendment to claim 1, and claims 10 and 11 are amended for form. Thus, no new matter is added by this amendment.

I. Rejection Under 35 U.S.C. §112, second paragraph

Claims 2-11 are rejected under 35 U.S.C. §112, second paragraph, as being indefinate because it is allegedly unclear whether "wherein the element" is referring to the first and second location elements or the damp motion element. Claims 1-9 are each amended to recite "damping element."

For the foregoing reason, withdrawal of the rejection is requested.

II. Claim Rejections in view of Spivey

Claims 1-5 and 7 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,212,872 (Spivey); and claims 8-12 are rejected under 35 U.S.C. §103(a) over Spivey. These rejections are respectfully traversed.

Spivey describes a mechanism for connecting one end of a shank (Item 12 in Fig. 1) to the end of a measurement probe (Item 10 in Fig. 1). At the other end of the measurement probe there is provided a stylus 6, whilst the end of the tool shank distal to the measurement probe can be placed in the spindle of a machine tool. This general arrangement is clearly shown in Fig. 1 of Spivey and the exact mechanism for coupling the shank and probe body together is shown in detail in Figs. 2 and 4. Please note that Fig. 5 of Spivey shows the probe mechanism in detail (which can be seen not to include any kind of damping element).

The Office Action asserts that Spivey shows a probe body as indicated by reference numerals 14, 68. However, the referenced portion of Spivey describes a clamping mechanism for connecting the probe body to a shank and does not disclose anything about how the stylus holder is attached to the probe body.

For the following reasons, Spivey fails to anticipate or render obvious the claimed subject matter:

(i) The shaft 28 protruding from the probe body of Spivey is provided to locate the probe body relative to the shank. The shaft 28 is therefore not a first locating element of the type defined in claim 1 that cooperates with an element of a stylus holder.

(ii) The shank 12 of Spivey is not a stylus holder as it clearly does not hold any kind of stylus. The stylus (and hence stylus holder) of the arrangement shown in Spivey is located at the opposite end of the probe body from the end that is attached to the shank (see Figs. 1 and 5 of Spivey).

(iii) The cylindrical bore 30 of Spivey that is formed in the shank cooperates with the shaft 28 of the probe bolt to secure the probe body to the shank. However, these elements clearly do not cooperate to locate a stylus holder within the probe body.

(iv) In the Spivey device, the shank 12 is forced into contact with the probe body by driving a moveable clamping bolt 50 of the shank into the clamping element 34 of the probe (see lines 8-22 of column 3 of Spivey). This clamping arrangement is distinct to mechanism 92 which comprises a supporting ring 94 attached to a washer 96, the washer 96 bearing against groove 97 (see lines 5-9 of column 4 of Spivey). The mechanism 92 of Spivey mentioned by the Examiner does not appear to urge anything together and certainly does not urge the first and second locating elements into contact.

(v) As noted above, the ring 94, washer 96 and groove 97 of Spivey are all components of the so-called mechanism 92. This mechanism 92 damps vibrations between the shank and the probe body as described at lines 3-4 of column 4 of Spivey. Spivey thus also fails to disclose a damping element to damp motion between the probe body and the stylus holder.

As noted above, the mechanical arrangement of a measurement probe is shown in Fig. 5 and described at lines 10-44 of column 6 of Spivey. The probe described therein is similar to that described in the U.S. Patent No. 4,153,998, which is discussed in the introduction to the present application and does not contain a damping element of the type defined in claim 1 of the present application.

For at least the foregoing reasons, Spivey does not teach or disclose the structural elements of the measurement probe that are recited in claim 1. Furthermore, there is nothing in Spivey that describes a measurement probe that includes a damping element to damp motion between the probe body and the stylus holder. Accordingly, claim 1 is not anticipated or rendered obvious by Spivey, and claims 2-13 dependent therefrom are also not anticipated or rendered obvious at least for the same reasons as claim 1, as well as for the additional features they recite.

Withdrawal of the rejections is requested.

III. Claim Rejections in view of Hajdukiewicz

Claims 1-6 and 13 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 7,055,258 (Hajdukiewicz). This rejection is respectfully traversed.

Hajdukiewicz does not qualify as prior art. Hajdukiewicz's earliest prior art date is April 4, 2003. However, the present application claims priority to GB 02212553.3, which was filed on September 13, 2002. Thus, Hajdukiewicz is not prior art and withdrawal of this rejection is requested.

IV. Fracheboud and Trull are not Prior Art

At page 8 of the Office Action, U.S. Patent Nos. 6,886,265 (Fracheboud) and 7,024,783 (Trull) are indicated to be prior art made of record and not relied upon but considered pertinent to Applicants' disclosure. However the earliest filing dates of each of

these references is after the presently claimed priority date. Thus, each of Fracheboud and Trull fail to qualify as prior art.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Linda M. Saltiel
Registration No. 51,122

JAO:LMS/hs

Date: October 12, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry;
Charge any fee due to our Deposit Account No. 15-0461